

02/17/2006 FRI 13:58 FAX 12489888363 Carlson, Gaskey & Olds

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hongwei Kong
Serial No.: 10/822,434
Filed: April 12, 2004
Group Art Unit: 2686
Examiner: Loftin, Celeste
Title: SECTOR SWITCHING DETECTION METHOD

RESPONSE

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is responsive to the Office Action mailed on November 18, 2005. Applicant respectfully requests reconsideration of this application.

Applicant respectfully traverses the rejection under 35 U.S.C. §102 based upon the *Hamada, et al.* reference. *Hamada, et al.* does not teach what the Examiner contends. An access request as described in the *Hamada, et al.* reference is not the same thing as a sector-switching indicator. When a mobile station desires to access a random access channel, that is not the same thing as a mobile station providing an indication that it desires to switch from one sector to another. The *Hamada, et al.* reference focuses on limiting or eliminating interference. There is no anticipation.

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Applicant respectfully traverses the rejection of claims 16-18 under 35 U.S.C. §102 based upon the *Brouwer* reference. That reference does not teach what the Examiner contends. The subject matter in column 10, lines 1-10, has nothing to do with a sector switching indication. Instead, the SSDT indicator issued by the mobile station has to do with the mobile station measuring received base station signals during a diversity handoff procedure and selecting the base station with the best signal by measuring the common pilot signals received from each base station. (See *e.g.*, column 9, lines 43-47 of the *Brouwer* reference). The procedure described in the first ten lines of column 10 has to do with determining whether a power control command was reliable. That is not the same thing as what Applicant claims. There is no anticipation.

Applicant respectfully traverses the rejections under 35 U.S.C. §103. The rejection of claims 3, 5-7, 9-12 and 14-15 based upon the proposed combination of the *Hamada, et al.* reference with the *Tee* reference does not include a *prima facie* case of obviousness. As mentioned above, the *Hamada, et al.* reference does not teach what the Examiner contends. Therefore, even if there were some motivation for combining the references, the result is not the same as what is claimed and there is no *prima facie* case of obviousness.

The rejection of claim 4 based upon the proposed combination of the *Hamada, et al.* and *Brouwer* references does not include a *prima facie* case of obviousness for the same reasons. Additionally, there is no motivation for combining the teachings of those references because the diversity handover technique of the *Brouwer* reference has no applicability to the interference control technique of the *Hamada, et al.* reference. Where there is no benefit to making a proposed combination, there is no *prima facie* case of obviousness.

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The rejection of claims 8 and 13 based upon a proposed combination of the *Hamada, et al.*, *Tee* and *Brouwer* references does not include a *prima facie* case of obviousness. As mentioned above, *Hamada, et al.* does not teach what the Examiner contends. Therefore, even if the combination could somehow be made, the result is not the same as the claimed invention. Moreover, there is no motivation for making the combination as just described. The techniques of the *Hamada, et al.* and *Brouwer* references have no applicability to each other. Therefore, the combination cannot be made and there is no *prima facie* case of obviousness.

The same is true of the rejection of claim 19 based upon the proposed combination of the *Brouwer* and *Hamada, et al.* references.

This case is in condition for allowance. If the Examiner believes that a telephone conference will facilitate moving this case forward to being issued, Applicant's representative will be happy to discuss any issues regarding this application and can be contacted at the telephone number indicated below.

Respectfully submitted,

CARLSON, GASKEY & OLDS, P.C.

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Dated: February 17, 2006

CERTIFICATE OF FACSIMILE

I hereby certify that this Response relative to Application Serial No. 10/822,434 is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on February 17, 2006.


Theresa M. Palmateer